

employment in connection with the institution or prosecution of any claim, suit or cause of action, and amending Chapter 7, Title XXX, of the Revised Civil Statutes of Texas by adding thereto Article 1261a, providing that when any suit-at-law or equity is instituted in any court of this State wherein it is made to appear that any provision of Article 290 of the Penal Code of Texas, as amended, defining and punishing barratry, has been violated, such suit shall abate on proper plea and proof and the attorney or attorneys, or other person guilty of violating said law shall be disabled from having any interest in the cause of action or further participating in any new suit that may be instituted; providing, that the owner, innocent of such violation, shall not be prejudiced by the running of limitation pending the suit; and amending Title II, Article 263, Revised Civil Statutes of Texas, so that any attorney-at-law guilty of barratry may be suspended or his license revoked."

And find the same correctly engrossed.

BARRETT, Chairman.

Committee Room,

Austin, Texas, March 10, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 142, being "An Act to authorize the Gulf, Colorado and Santa Fe Railway Company to purchase the railroads and all other property of the Jasper and Eastern Railway Company, now owned and hereafter acquired, and to operate the same under the charter of the Gulf, Colorado and Santa Fe Railway Company as a part of its own line, with the right to extend the said road, and to construct branches therefrom by amendment of its charter under the general laws of the State of Texas; and to authorize the corporation or corporations, person or persons now or hereafter owning the said property, to sell the same to the Gulf, Colorado and Santa Fe Railway Company, and until such purchase is made to authorize the lease by the Gulf, Colorado and Santa Fe Railway Company of the railroad and other properties of said other company."

And find the same correctly engrossed.

BARRETT, Chairman.

Committee Room,

Austin, Texas, March 10, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed

Bills have carefully examined and compared

Senate Bill No. 150, being "An Act to amend Section 7, Chapter 42, of the Acts of the Twenty-eighth Legislature, entitled 'An Act to provide for and regulate the granting of license to practice as attorney and counselor at law in all the courts of the State of Texas,' and to repeal all laws and parts of laws in conflict therewith, approved March 19, 1903,"

And find the same correctly engrossed.

BARRETT, Chairman.

ENROLLING DEPARTMENT.

Committee Room,

Austin, Texas, March 10, 1905.

Hon. Geo. D. Neal, President of the Senate:

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 91, being "An Act to amend Article 642 of the Revised Civil Statutes of Texas, as amended by Chapter 130, Acts of the Twenty-fifth Legislature, Chapter 43, Acts of the Twenty-sixth Legislature, Chapter 43, Acts of the Twenty-seventh Legislature, and Chapter 129, Acts of the Twenty-eighth Legislature, by adding thereto Subdivision 62, authorizing the formation of corporations for the growing, preparing for market and selling of rice, and Subdivision 63, authorizing the formation of corporations for the purpose of growing and selling sugar cane, and making and refining sugar, molasses and all by-products of sugar cane, and declaring an emergency."

And have this day, at 2:55 o'clock p. m., presented the same to the Governor for his approval.

TERRELL, Chairman.

FORTIETH DAY.

Senate Chamber,

Austin, Texas,

Tuesday, March 14, 1905.

Senate met pursuant to adjournment, Lieutenant Governor George D. Neal presiding.

Roll call. Quorum present, the following Senators answering to their names:

Beaty.	Faust.
Brachfield.	Glasscock.
Chambers.	Griggs.
Davidson.	Grinnan.
Faulk.	Hanger.

Harbison.	Meachum.
Harper.	Paulus.
Hawkins.	Skinner.
Hicks.	Smith.
Hill.	Stone.
Holland.	Terrell.
Looney.	Willacy.
McKamy.	

Absent.

Barrett.	Martin.
Decker.	Stafford.
Hale.	Stokes.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Skinner, the same was dispensed with.

A NOTIFICATION.

By Senator Faulk:
To Hon. George D. Neal, Lieutenant Governor and Presiding Officer of the Senate, and to the Members of the Senate:

I hereby give notice, that on tomorrow, I will make a motion to suspend Senate rule No. 51, requiring motions to reconsider, to be made within two days after the question is decided, for the purpose of reconsidering the action of the Senate on the — day of February, 1905, in which it concurred, in the House amendments to Senate bill No. 62 and to ask the Senate, by motion, not to concur in said House amendments and ask for a free conference committee for the purpose of perfecting said bill so as to cure the objections raised by the Governor.

PETITIONS AND MEMORIALS.

By Senator Beaty:
To Hon. J. T. Beaty, State Senator, and Hon. R. W. Chapman, Representative of the Twentieth Representative District.

We the undersigned citizens and qualified voters of Newton county, Texas, respectfully request that you introduce and if possible secure the passage of an act restoring the civil and criminal jurisdiction of the county court of Newton county.

Numerously signed.

Sadler, Grayson county,
March 9, 1905.

To the Hon. J. L. Harbison.

Sir: We the undersigned farmers and citizens of Grayson county and your supporters in precinct No. 6, that you as our representative will support the following bills: The Bowser tax

bill, the Love tax bill, the Kennedy bill, the Williams assets bill, and we protest against any increase in the ad valorem rate of taxation.

Numerously signed.

BILLS AND RESOLUTIONS.

(Simple Resolutions.)

Senator Griggs offered the following resolution:

Whereas, The Chicago Record-Herald of date March 7, 1905, contains an editorial eulogy upon the life of the late Hon. John H. Reagan, also a brief history of his life, character and accomplishments, both of which are worthy of preservation; therefore be it

Resolved, That the same be printed in the Senate Journal on pages set aside for that purpose.

GRIGGS,
HILL,
DAVIDSON,
FAULK,
GLASSCOCK,

The resolution was read and adopted.

In accordance with the above resolution.

(See Appendix "A" for the matter provided for.

Senator Willacy offered the following resolution:

Whereas, The citizens' executive committee of Austin, recently appointed by the mayor of that city to arrange for receiving the President of the United States in the Capital city within the near future, desire a committee of five from the Senate and a committee of seven from the House to be appointed to co-operate with them, the honorable President of the Senate to be a member of the committee appointed from the Senate, and the Speaker of the House to be a member of the committee appointed from the House;

Therefore, be it resolved by the Senate, that a committee of five, of which the honorable President of the Senate shall be one, be appointed to act with said citizens' committee to receive his excellency, Theodore Roosevelt, President of the United States.

The resolution was read second time, and adopted.

In accordance with the above resolution, the Chair appointed the following committee on part of the Senate: Senators Willacy, Skinner, Hanger and Faust.

Senator Looney offered the following resolution:

Whereas, during the last sixty days of the present session of the Legislature about nine-tenths of the Senate committee work for this session of the Legislature has been disposed of, and the remaining work to be done by the Senate committees can be performed by the six stenographic clerks, in addition to their other duties, and thereby enable the Senate to dispense with the seven general committee clerks for the remainder of the session, and save the unnecessary expenditure of \$35.00 per day and the total sum of \$980 per month;

And, whereas, the services of the Assistant Calendar Clerk and Assistant Doorkeeper can also be dispensed with without detriment to the public service, and this save \$10 per day, or a total sum of \$280 per month;

And, whereas, There are now eight porters and seven pages employed to serve the Senate at \$2.00 per day, and that the services of four porters and two pages can be dispensed with without detriment to the public service, and thus save the further sum of \$336.00 per month, and that the general session of the Legislature will likely extend at least one month longer, and a total sum of \$1596.00 can thus be saved;

Therefore be it resolved, That the seven general committee clerks, the Assistant Calendar Clerk and Assistant Doorkeeper, four porters and two pages are hereby discharged; that the President of the Senate is hereby authorized and directed to designate the porters and pages whose services are hereby dispensed with, and he is requested to assign the six stenographers to the several committees.

LOONEY,
SMITH,
HARPER.

Senator Looney moved the adoption of the resolution, and

Senator Hanger moved that the resolution be referred to the Committee on Contingent Expenses, which was adopted, and

The motion as substituted was then adopted.

Senator Smith offered the following resolutions:

Whereas, House bill No. 55 was, on the 6th day of February last, duly referred to Senate Committee on City and Town Corporations;

And, Whereas, the purpose of said bill is to carry out and comply with one of the State democratic party demands made upon the Legislature, having for its purpose to confer authority upon municipalities to fix and reasonably regulate the charging of the public, by certain corporations, and is

the only bill introduced in the Senate seeking to carry out said demand;

And, Whereas, said committee has not made a report to the Senate upon said bill, but is reported to have deferred further consideration thereof until the 30th instant;

And, Whereas, it is important that said committee should report at once said bill to the Senate for its consideration;

Therefore, be it Resolved, That said committee be and is hereby respectfully requested to make to the Senate its report upon said bill, and if not able to make at once a final report thereon to give its reasons therefor.

SMITH.
LOONEY.
HARPER.

The resolution was read and adopted by the following vote:

Yeas—25.

Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Faulk.	McKamy.
Faust.	Meachum.
Glasscock.	Paulus.
Griggs.	Skinner.
Grinnan.	Smith.
Hanger.	Stone.
Harbison.	Terrell.
Harper.	Willacy.
Hawkins.	

Absent.

Barrett.	Martin.
Decker.	Stafford.
Hale.	Stokes.

(Bills.)

By Senators Holland, McKamy, Griggs, Hill, Meachum, Grinnan and Harper, Beaty:

Senate bill No. 281, a bill to be entitled "An Act ratifying and confirming an ordinance passed by the Board of Commissioners of the City of Galveston on the 13th day of March, 1905, entitled, 'An Ordinance abandoning, closing and discontinuing certain streets, avenues and alleys of the City of Galveston, and authorizing and empowering M. A. Low and his heirs and assigns, to construct and perpetually maintain piers, docks, wharves, warehouses, depots, platforms, tracks and elevators, and to dredge or fill between and on the sides of such piers, docks, wharves, warehouses, depots, platforms, tracks and elevators, on the shores of Galveston Bay, within the corporate limits of the City of Galveston, upon certain specified condi-

tions, and conditionally relinquishing any claim the State of Texas may have to part of the land therein described."

Read first time and referred to Committee on Town and City Corporations.

By Senator Faulk:

Senate bill No. 282, a bill to be entitled "An Act to authorize the Railroad Commission of Texas, when deemed by it necessary, to create a deficiency not to exceed \$3,000.00 for any one fiscal year in addition to regular appropriations for the purpose of enforcing the laws relating to railroads and all other common carriers subject to its jurisdiction, and fixing venue for suits."

Read first time and referred to Judiciary Committee No. 1.

By Senator Stone:

Senate bill No. 283, a bill to be entitled "An Act to amend Article 1442 of Title XXX, Chapter 20 of the Revised Civil Statutes of Texas pertaining to giving security for costs."

Read first time and referred to Judiciary Committee No. 1.

By Senator Beaty:

Senate bill No. 284, a bill to be entitled "An Act to restore to and confer upon the County Court of Newton county the civil and criminal jurisdiction belonging to such courts, under the constitution and general statutes of the State to conform the jurisdiction of the District Court of said county to such change and to repeal all laws in conflict with this Act, so far as relates to Newton county."

Read first time and referred to Committee on Judicial Districts.

By Senator Davidson:

Senate bill No. 285, a bill to be entitled "An Act to amend Article 4070 of the Revised Statutes of 1895, relating to the filling of vacancies in the office of County and District Surveyor in this State, and to add the emergency clause."

Read first time and referred to Committee on Public Land and Land Office.

By Senator Davidson:

Senate bill No. 286, a bill to be entitled "An Act to amend Chapter 3, Title IX of the Code of Criminal Procedure of the State of Texas, by adding thereto Article 846a."

Read first time and referred to Judiciary Committee No. 2.

By Senator Hanger:

Senate bill No. 287, a bill to be entitled "An Act to constitute the cadets of any military academy chartered under the laws of the State of Texas, a Cadet Corps of the Texas National Guard, and to provide for the inspection of each academy so constituted, and for distribution of arms and equipments to such academies."

Read first time and referred to Committee on Military Affairs.

By Senators Davidson, Hanger and Meachum:

Senate bill No. 288, a bill to be entitled "An Act to appropriate the sum of \$10,000, or so much thereof as may be necessary, to erect a suitable monument upon the capitol grounds in the City of Austin, to the memory of John H. Reagan."

Read first time and referred to Judiciary Committee No. 1.

By Senator Harbison:

Senate bill No. 289, a bill to be entitled "An Act to create a more efficient road system for Cooke county, and declaring an emergency."

Read first time, and referred to the Committee on Roads, Bridges and Ferries.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-Ninth Legislature.
Austin, Texas, March 14, 1905.

Hon. George D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

Senate bill No. 230, a bill to be entitled "An Act to permit persons liable to road duty in Comal county to pay three dollars a year in lieu of working the road, and to exempt Comal from Article 4733 of the Revised Statutes of the State of Texas."

House bill No. 442, a bill to be entitled "An Act for the relief of S. F. Perry."

House bill No. 458, a bill to be entitled "An Act creating an independent school district in the counties of Ellis and Dallas, State of Texas, to be known as the Ferris independent school district and to have all the powers, rights and duties of independent school districts formed by the incorporation of towns and villages for free school purposes only."

House bill No. 499, a bill to be entitled "An Act to restore and confer upon the County Court of Chambers county, Texas, the civil and criminal jurisdiction heretofore belonging to the said court under the Constitution and General Laws of the State of Texas; and to conform the jurisdiction of the district court of said county to such change; and to repeal all laws in conflict with this act."

House bill No. 542, a bill to be entitled "An Act to create a more efficient road system for Coleman county, Texas."

House bill No. 532, a bill to be entitled "An Act to amend Chapter 134 of the General Laws of the Twenty-

fourth Legislature, as amended by the Twenty-sixth Legislature, entitled 'An Act to create a more efficient road system for Hill, Grimes, Cooke, Hunt, Jackson, Bee and Victoria counties, Texas, and making county commissioners of said counties ex officio road commissioners, and prescribing their duties as such, and providing for their compensation as road commissioners, and providing for the appointment of deputy road commissioners, and defining the powers and duties of such county commissioners, and providing for the appointment of road overseers, and defining their duties, and for the working of county convicts, and to provide for the manner of training hedges along any public road, and to provide for the summoning of teams for road work, and for an allowance of time of road service for same, and fixing a penalty for the violation of this act, and repeal all laws in conflict with this act, by extending the provisions of this act to Falls county, and providing for the fees of county judge where convicts are worked upon the public roads and providing further for the fees to be paid to the county clerk and to the justices of the peace of Falls county under this act.'

House bill No. 546, a bill to be entitled "An Act to exempt the county of Llano from the provisions and operation of Chapter 66 of the General Laws of the State of Texas passed at the regular session of the Twenty-seventh Legislature, relating to a special road system for the counties of Panola and Llano. The bill declares an emergency."

House bill No. 361, a bill to be entitled "An Act to provide for the levy and collection of a tax upon the gross receipts of certain corporations."

House bill No. 311, a bill to be entitled "An Act providing for a commission of five be appointed by the Supreme Court to revise and digest the laws of the State of Texas, and said commission."

House bill No. 487, a bill to be entitled "An Act establishing the Eighteenth and Sixty-fifth Judicial Districts of the State of Texas; prescribing the times of holding the district courts therein, and providing for the appointment of a district judge for the Sixty-fifth Judicial District, amending the law by providing that the counties of Johnson and Bosque shall constitute the Eighteenth Judicial District, and that the county of Hill shall constitute the Sixty-fifth Judicial District," with engrossed rider.

House bill No. 445, a bill to be entitled "An Act to amend Section 92 of an act entitled 'An Act to incorporate the city of Sherman in Grayson county, Texas, and to fix the boundaries

thereof and to provide for its government, and management of its affairs,' passed by the Twenty-fourth Legislature, as amended, and to repeal all laws or parts of laws in conflict therewith, and to declare an emergency," so as to give said city power and means to pay off the judgment of W. C. Conner et al. against it.

House bill No. 245, a bill to be entitled "An Act to restore and confer upon the County Court of San Augustine county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and General Statutes of the State of Texas, to define the jurisdiction of said court, to conform the jurisdiction of the District Court of said county to such change, to fix the time of holding court and to repeal all laws and parts of laws in conflict with this act and declaring an emergency," with engrossed rider.

House bill No. 521, a bill to be entitled "An Act to render more effective and efficient the present road law in the State of Texas in its application and operation in the county of Bastrop, and to authorize and empower the said county to issue bonds for the construction or purchasing of bridges and construction and maintenance of public roads and highways within said county, and regulating the compensation of certain officers."

Bill read third time and was passed.

House concurs in Senate amendments to House bill No. 62.

House bill No. 441, a bill to be entitled "An Act to provide for the sale and lease of the public free school and asylum lands and to prevent the free use, occupancy and enclosure of the same, and to repeal Chapters 47 and 48, Acts of 1895, and Chapter 129, Acts of 1897, and Sections 5, 6, 7 and 8, Chapter 11, Acts of February 23, 1900, and Chapter 88, approved April 15, 1901, and Chapter 125, Acts of April 19, 1901, and all other laws in conflict herewith."

Respectfully,
BOB BARKER,
Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Neal) had read and referred, after their captions had been read, the following house bills:

House bill No. 441, to Public Lands and Land Office.

House bill No. 521, to Roads, Bridges and Ferries.

House bill No. 245, to Judiciary Committee No. 1.

House bill No. 445, to City and Town Corporations.

House bill No. 487, to Judicial Districts.

House bill No. 311, to Judiciary Committee No. 1.

House bill No. 546, to Roads, Bridges and Ferries.

House bill No. 532, to Roads, Bridges and Ferries.

House bill No. 542, to Roads, Bridges and Ferries.

House bill No. 499, to Judiciary Committee No. 1.

House bill No. 458, to Education.

House bill No. 442, to Public Lands and Land Office.

House bill No. 361, to Internal Improvements.

BILLS SIGNED BY THE CHAIR.

The Chair (Lieutenant Governor Neal) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read,

Senate bill No. 11, a bill to be entitled "An Act to confer authority on the penitentiary board to issue paroles to meritorious convicts, and to make and establish rules and regulations to carry the same into effect."

In accordance with the adoption of the joint resolution of the Twenty-ninth Legislature, providing for the publishing of all general bills, as passed both houses, this bill appears in full in Appendix B of today's Journal under the head of "Enrolled Bills."

Senate bill No. 230, "An Act to permit persons liable to road duty in Comal county to pay \$3 a year in lieu of working the road and to exempt Comal from Article No. 4733 of the Revised Statutes of the State of Texas."

Morning call concluded.

SENATE BILL NO. 138—PENDING BUSINESS FROM SATURDAY.

The Chair laid before the Senate Senate bill No. 138 (the scalpers' bill), which was under consideration on adjournment Saturday.

The question was on the amendment by Senator Hicks. (See amendment by Senator Hicks, page 27 of Friday's Journal.)

(Senator McKamy in the chair.)

Senator Paulus offered the following substitute for the amendment:

Amend by inserting in line 11, page 2, after the word "taken," the following: "Whenever the original purchaser of such ticket or tickets shall sell, barter or dispose of the same, he shall execute a written transfer."

The substitute amendment was adopted by the following vote:

Yeas—15.

Beaty.	Hawkins.
Brachfield.	Hill.
Faulk.	Holland.
Glasscock.	Looney.
Griggs.	Paulus.
Grinnan.	Smith.
Harbison.	Terrell.
Harper.	

Nays—9.

Chambers.	McKamy.
Davidson.	Meachum.
Faust.	Skinner.
Hanger.	Stone.
Hicks.	

Absent.

Barrett.	Stafford.
Decker.	Stokes.
Hale.	Willacy.
Martin.	

Senator Davidson offered an amendment, and

Senator Smith made a point of order that the amendment as substituted had not been voted on, and the Chair ruled that the point of order was well taken, but pending further discussion the Chair ruled that the amendment was in order.

Senator Davidson's amendment was as follows:

Amend the substitute by adding the following: "And the holder of the ticket shall also hold the transfer in connection with the use of the ticket." Senator Paulus moved to table the amendment by Senator Davidson, and that motion was lost by the following vote:

Yeas—9.

Faulk.	Looney.
Glasscock.	Paulus.
Harbison.	Smith.
Harper.	Terrell.
Holland.	

Nays—14.

Beaty.	Hawkins.
Chambers.	Hicks.
Davidson.	Hill.
Faust.	McKamy.
Griggs.	Meachum.
Grinnan.	Skinner.
Hanger.	Stone.

Absent.

Barrett.	Martin.
Brachfield.	Stafford.
Decker.	Stokes.
Hale.	Willacy.

The amendment was then adopted.
Senator Paulus offered the following amendment, which was adopted:

Amend by adding to bill:

Sec. 7. Whereas the crowded condition of the calendars of both the Senate and House is such the public necessity for regulating railway ticket brokers and requiring a license for such business, creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days should be and is hereby suspended, and that this act take effect from and after its passage, and it is so enacted.

Senator Griggs offered the following amendment:

Amendment—Amend by striking out all of Section 6 and inserting the following:

Sec. 6. That all laws, whether general or special, as heretofore granted, or which may be hereafter granted to municipal corporations in the charter provisions thereof, and all parts of such laws in conflict herewith be, and the same are hereby repealed.

Senator Skinner made a point of order that the amendment was not germane to the bill, and discussed the point of order, and

The Chair sustained the same.

The question being on the engrossment of the bill, the same was ordered engrossed by the following vote:

Yeas—16.

Beaty.	Hill.
Brachfield.	Holland.
Faulk.	Looney.
Glasscock.	McKamy.
Hanger.	Meachum.
Harbison.	Paulus.
Harper.	Smith.
Hawkins.	Terrell.

Nays—8.

Chambers.	Grinnan.
Davidson.	Hicks.
Faust.	Skinner.
Griggs.	Stone.

Absent.

Barrett.	Stafford.
Decker.	Stokes.
Hale.	Willacy.
Martin.	

Senator Paulus moved that the constitutional rule requiring bills to be read on three several days be suspended and the bill be put on its third reading and final passage.

The motion was lost by the following vote:

29—Senate.

Yeas—16.

Beaty.	Hill.
Brachfield.	Holland.
Faulk.	Looney.
Glasscock.	McKamy.
Griggs.	Meachum.
Hanger.	Paulus.
Harbison.	Smith.
Harper.	Stone.

Nays—6.

Chambers.	Hawkins.
Davidson.	Hicks.
Faust.	Skinner.

Absent.

Barrett.	Stafford.
Decker.	Stokes.
Grinnan.	Terrell.
Hale.	Willacy.
Martin.	

Senator Hicks moved to reconsider the vote by which the bill was ordered engrossed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 118 RELATIVE TO DOMESTIC CORPORATIONS.

The Chair laid before the Senate, on second reading,

Senate bill No. 118, a bill to be entitled "An Act to amend Article 643 of the Revised Statutes of the State of Texas, prescribing what must be set forth in the charter of a domestic corporation."

Senator Stone offered the following amendment:

Amend by adding to the bill, after the word "road," line 28, page 1, the following:

Provided that the provisions of this Act shall not apply to corporations engaged in the business of selling groceries and dry goods.

Senator Harbison moved to table the amendment, and that motion was lost by the following vote:

Yeas—10.

Brachfield.	Grinnan.
Chambers.	Harbison.
Davidson.	Harper.
Faulk.	Paulus.
Glasscock.	Terrell.

Nays—14.

Beaty.	Griggs.
Faust.	Hanger.

Hawkins.
Hicks.
Hill.
Holland.
Looney.

McKamy.
Meachum.
Skinner.
Smith.
Stone.

Absent.

Barrett.
Decker.
Hale.
Martin.

Stafford.
Stokes.
Willacy.

Senator Looney offered the following substitute for the amendment:

Sec. 3. The place or places where its business is to be transacted, and the place where its principal office shall be kept, which shall be in the locality where its principal business is carried on in this State, at which place its secretary shall reside and keep all the books, minutes and records of said corporation.

(Lieutenant Governor Neal in the chair.)

Senator Harbison moved to table the substitute and the amendment.

The Chair sustained a point of order by Senator Hanger that a motion to table the amendment had been lost.

Senator Harbison moved to table the substitute amendment, and pending discussion Senator Harbison asked consent to withdraw his motion, and Senator Hanger objected.

The Chair then stated that he would submit the matter of withdrawing the motion to table.

Here Senator Hanger made a point of order that the roll call had been begun on the motion to table, and

The Chair sustained same.

The motion to table the substitute amendment was lost by the following vote:

Yeas—6.

Brachfield.
Chambers.
Glasscock.

Harbison.
Paulus.
Terrell.

Nays—17.

Beaty.
Davidson.
Faulk.
Faust.
Griggs.
Grinnan.
Hanger.
Harper.
Hawkins.

Hicks.
Holland.
Looney.
McKamy.
Meachum.
Skinner.
Smith.
Stone.

Absent.

Barrett.
Decker.
Hale.
Hill.

Martin.
Stafford.
Stokes.
Willacy.

Question then being on the substitute amendment, the same was adopted by the following vote:

Yeas—12.

Beaty.
Faust.
Griggs.
Hanger.
Hicks.
Holland.

Looney.
McKamy.
Meachum.
Skinner.
Smith.
Stone.

Nays—11.

Brachfield.
Chambers.
Davidson.
Faulk.
Glasscock.
Grinnan.

Harbison.
Harper.
Hawkins.
Paulus.
Terrell.

Absent.

Barrett.
Decker.
Hale.
Hill.

Martin.
Stafford.
Stokes.
Willacy.

Question then being on the amendment as substituted, it was adopted by the following vote:

Yeas—13.

Beaty.
Faust.
Griggs.
Hanger.
Hicks.
Hill.
Holland.

Looney.
McKamy.
Meachum.
Skinner.
Smith.
Stone.

Nays—11.

Brachfield.
Chambers.
Davidson.
Faulk.
Glasscock.
Grinnan.

Harbison.
Harper.
Hawkins.
Paulus.
Terrell.

Absent.

Barrett.
Decker.
Hale.
Martin.

Stafford.
Stokes.
Willacy.

Senator Looney offered the following amendment:

Amend the bill by striking out Section 5, and insert in lieu thereof as follows:

(5) The number of its directors or trustees, and the names, residences and postoffice address of such of those who are appointed for the first year, a majority of whom shall be resident citizens of this State.

The amendment was adopted.

Bill read second time and ordered engrossed.

Senator Davidson moved to reconsider the vote by which the bill was ordered engrossed, and lay that motion on the table.

The motion to table prevailed.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-Ninth Legislature,
Austin, Texas, March 14, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House concurs in Senate amendments to House bill No. 461.

Respectfully,

BOB BARKER.

Chief Clerk, House of Representatives.

SENATE BILL NO. 137.

Senator Looney called up

Senate bill No. 137, a bill to be entitled "An Act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose, and to prevent unauthorized uses and traffic in human bodies, and to legalize dissections and experiments by authorized persons."

And moved that the Senate reconsider the vote by which the following amendment, which was adopted on Friday: "Amend the bill by striking out of line 1, page 2, the words 'alms-house and hospital,'" was adopted, and spread that motion on the Journal.

The motion prevailed.

HOUSE BILL NO. 277—PASSAGE OF.

On motion of Senator Holland, the pending order of business (Senate bill No. 135) was suspended, and the Senate took up, out of its order, House bill No. 277.

The Chair laid before the Senate, on second reading,

House bill No. 277, a bill to be entitled "An Act to reorganize the Twenty-third, Twenty-fourth, Twenty-fifth, Thirty-sixth and Forty-ninth Judicial Districts of the State of Texas, and to fix the time of holding court in said districts; to place the counties of Jackson and Karnes in the Twenty-fourth Judicial District, and the counties of Frio and Wilson in the Thirty-sixth Ju-

dicial District, and the counties of Dimmit and La Salle in the Forty-ninth Judicial District; to provide for the present district judge and district attorney of each of said districts acting as judge and attorney for their respective districts until the term of office for which each was elected may expire; to validate all writs and other process heretofore issued out of the district courts of said districts, and to repeal all laws and parts of laws in conflict herewith."

Senator Holland offered the following amendment:

Amend Section 1 by striking out all of lines 12, 13, 14 and 15, on page 2, and insert in lieu thereof the following:

In the county of Matagorda on the sixteenth Monday after the second Monday in February, and may continue in session five weeks; and on the Seventeenth Monday after the first Monday in September, and may continue in session ten weeks, or until the business is disposed of.

The amendment was adopted.

Senator Davidson offered the following amendment, which was adopted:

Amend the bill by striking out all of Section 4, and insert the following in lieu thereof:

"Sec. 4. That the Thirty-sixth Judicial District be composed of the counties of Aransas, San Patricio, Live Oak, McMullen, Atascosa and Wilson, and the district court shall be held therein as follows: In the county of Aransas on the first Monday in February and September, and may continue in session two weeks; and in the county of San Patricio on the second Monday after the first Monday in February and September, and may continue in session three weeks; in the county of Live Oak on the fifth Monday after the first Monday in February and September, and may continue in session two weeks; in the county of McMullen on the seventh Monday after the first Monday in February and September, and may continue in session two weeks; in the county of Atascosa on the ninth Monday after the first Monday in February and September, and may continue in session four weeks; in the county of Wilson on the thirteenth Monday after the first Monday in February and September, and may continue in session until the business is disposed of.

Senator Davidson offered the following amendment, which was adopted:

Amend by striking out all of line 10, on page 3, after the word "September," and adding in place thereof the following: "and may continue in session five weeks."

Senator Davidson offered the following amendment, which was adopted:

Sec. 8. That the terms of the district court of the Twenty-third, Twenty-fourth, Twenty-fifth and Twenty-sixth Judicial Districts, as constituted by the provisions of this Act, shall not be held under the terms of this Act until the first day of September, A. D., 1905, and the spring terms of said courts of said districts as constituted by this Act shall be held as now provided by law.

Senator Davidson offered the following amendment, which was adopted:

Amend by striking out Section 8 and insert the following:

Sec. 8. The near approach of the end of the session, the crowded condition of the calendar, and the importance of the prompt passage of this Act create an emergency and an imperative public necessity, which requires that the constitutional rule requiring that all bills be read on three several days be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Senator Davidson offered the following amendment, which was adopted:

Sec. 5. That the Forty-ninth Judicial District of Texas shall hereafter be composed of the counties of Dimmit, La Salle, Frio, Zapata and Webb, and the district courts shall be held therein as follows: In the county of Dimmit on the first Monday in September and February, and may remain in session two weeks; in the county of Frio on the third Monday in September and February, and may remain in session three weeks; in the county of La Salle on the fifth Monday after the first Monday in September and February, and may remain in session two weeks; in the county of Zapata on the seventh Monday after the first Monday in September and February, and may remain in session one week, and in the county of Webb on the eighth Monday in September and February, and may remain in session until the business is disposed of.

Bill read second time and passed to a third reading.

On motion of Senator Holland, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Beaty.	Faust.
Brachfield.	Glasscock.
Chambers.	Grinnan.
Davidson.	Hanger.
Faulk.	Harper.

Hawkins.	Paulus.
Hicks.	Skinner.
Hill.	Smith.
Holland.	Stone.
Looney.	Terrell.
McKamy.	Willacy.
Meachum.	

Absent.

Barrett.	Harbison.
Decker.	Martin.
Griggs.	Stafford.
Hale.	Stokes.

The bill was read third time, and passed by the following vote:

Yeas—23.

Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Grinnan.	Smith.
Hanger.	Stone.
Harper.	Terrell.
Hawkins.	Willacy.
Hicks.	

Absent.

Barrett.	Harbison.
Decker.	Martin.
Griggs.	Stafford.
Hale.	Stokes.

Senator Holland moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 173—PASSAGE OF.

On motion of Senator Faust, the pending order of business, House bill No. 135, was suspended, and the Senate took up, out of its order, House bill No. 173.

The Chair laid before the Senate on second reading,

House bill No. 173, a bill to be entitled "An Act to amend the Acts of the Twenty-eighth Legislature of Texas (Laws of Special Session, Chapter 1), entitled 'An Act to render more effective and efficient the present road law in the State of Texas in its application and operation in the counties of Guadalupe, Caldwell, Bee, Jackson, Grimes, Comal, Colorado, Hays, Gillespie, Wood, Jefferson and Maverick; and to authorize and empower the said counties to issue bonds for the construction or purchasing of bridges and construction and maintenance of public roads and highways within the said counties, and regulating the compensation of

certain officers," by omitting the county of Caldwell from said act.

The committee report was adopted. Bill read second time and passed to a third reading.

On motion of Senator Faust, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Hanger.	Smith.
Harper.	Stone.
Hawkins.	Terrell.
Hicks.	Willacy.

Absent.

Barrett.	Harbison.
Decker.	Martin.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	

The bill was read third time, and passed by the following vote:

Yeas—22.

Beaty.	Hill.
Brachfield.	Holland.
Chambers.	Looney.
Davidson.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Hanger.	Smith.
Harper.	Stone.
Hawkins.	Terrell.
Hicks.	Willacy.

Absent.

Barrett.	Harbison.
Decker.	Martin.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	

Senator Faust moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 196—PASSAGE OF.

On motion of Senator Faust, the pending order of business, Senate bill No. 135, was suspended, and the Sen-

ate took up, out of its order, House bill No. 196.

The Chair laid before the Senate on second reading,

House bill No. 196, a bill to be entitled "An Act to create a more efficient road system for Caldwell county, Texas, etc."

The committee report was adopted. Bill read second time and passed to a third reading.

On motion of Senator Faust, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Beaty.	Holland.
Chambers.	Looney.
Davidson.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
Glasscock.	Skinner.
Hanger.	Smith.
Harper.	Stone.
Hawkins.	Terrell.
Hicks.	Willacy.
Hill.	

Absent.

Barrett.	Hale.
Brachfield.	Harbison.
Decker.	Martin.
Griggs.	Stafford.
Grinnan.	Stokes.

The bill was read third time and passed by the following vote:

Yeas—21.

Beaty.	Holland.
Chambers.	Looney.
Davidson.	McKamy.
Faulk.	Meachum.
Faust.	Paulus.
G'asscock.	Skinner.
Hanger.	Smith.
Harper.	Stone.
Hawkins.	Terrell.
Hicks.	Willacy.
Hill.	

Absent.

Barrett.	Hale.
Brachfield.	Harbison.
Decker.	Martin.
Griggs.	Stafford.
Grinnan.	Stokes.

Senator Faust moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

ADJOURNMENT.

On motion of Senator Stone the Senate, at 1:20 o'clock p. m., adjourned till tomorrow morning at 10 o'clock.

APPENDIX A.

The following is the matter anent Judge Reagan, provided for by resolution today.

EDITORIAL IN THE CHICAGO RECORD-HERALD, MARCH 7, 1905.

ALL IN A LIFETIME.

A sketch of the life of John H. Reagan gives a vivid realization of the enormous growth and rapid development of this country. The youth of the Texas statesman whose death was announced yesterday was partly spent in the frontier struggles of the Southwest, and he had reached the age of 27 when his state was admitted to the Union. At that time Chicago was little more than an outpost of civilization, and Mexico still held a vast extent of what is now United States territory.

Reagan's identification with the Confederacy brings other changes into view. After the acquisition from Mexico the country's strength was dissipated in domestic strife that finally threatened the existence of the Republic. There was storm and stress from the time of the young man's frontier battles till the end of the reconstruction era, and he was in the thick of it all while history was being made at a terrific rate. Then he lived on to regain his citizenship and an honorable place in the government and to see a transformation that was little short of the miraculous. A great wilderness invaded with all the arts of civilization, the desert peopled, unprecedented national power and wealth in the reunited country.

It is to his credit that after the war he looked forward, not backward, and it is due to him to say that he was an honest, conscientious and industrious public servant. For the people of Texas the review of his career must have the effect of the story of the State itself from the Mexican days, and few of them will be unmoved by the news of his death.

BRIEF BIOGRAPHY IN THE CHICAGO RECORD-HERALD.

March 7, 1905.

John H. Reagan, American, Famous Texan Who Served Both North and South and was Last of the Great Confederate Leaders.

Tall and rugged, every line of his face indicating indomitable will, there stood upon the western bank of the

Red River a stalwart young fellow of twenty years. In his hand a small bundle tied in a blue handkerchief—his entire wardrobe. In his pocket a \$10 bill issued by the bank of Holly Springs, Miss.—his entire fortune. His face was toward the setting sun and he looked Texasward.

It was the afternoon of May 29, 1839, and as the young man looked he realized that in all of the great land before him there was none to whom he might look for aid. His future was his alone. About him on every side were the foes of the frontiersman, but not for a moment did his feet falter; not for a moment did his heart fail. He was strong with the strength of one who knows himself, and without fear he took up his journey into a strange land.

* * * *

Three score and six years after, the young man, now in his six and eightieth year, had closed a marvelous career. In his life he had served under three flags, had honored and been honored by the people in whose cause he was as valiant in war as he was wise in peace, and finally, in the fullness of years and achievement, passed to his eternal rest.

Born in Sevier county, Tennessee, October 8, 1818, and dying at his home at Palestine, Texas, yesterday, the activities of John Henninger Reagan furnish an inspiration to all Americans. In the Republic of Texas he fought in many campaigns against the Indians. In the State of Texas he served the commonwealth as colonel of its militia, justice of the peace, sat in its legislature and upon the bench. Then he went to Congress and was counted one of the ablest members of the House, which he left in 1861 because he believed it his duty to cast his fortunes with the Confederacy.

* * * *

Under the stars and bars his was high political preferment. First Postmaster General of the Confederate States of America, he relinquished that post to become secretary of its treasury, devoting his energies and his fortune to a cause he loved and fondly hoped might prevail. But when the fortunes of war decreed that the southland should not depart the Union, and while a prisoner of war, this man undertook the work of calming sectional hatred, and finally returned to his people to advocate conciliation and unity.

Ripe in experience, he again became a legislator of the nation, serving as a senator from 1887 until 1891, fathering the "Reagan interstate commerce law," which as afterward amended by Senator Cullom of Illinois became the law which is now in force.

The life of Judge Reagan links the history of the old with that of the new. His work was strenuous, history-making. For more than sixty-five years and during the greater part of this period he was in the political arena. He remembered the great tariff debate of 1832, which resulted in the passage of the nullification act by South Carolina. He could recall the fight made by Andrew Jackson against the United States bank. In Chicago, where of recent years he delighted to pass his summer holidays, he would tell of the scenes and incidents that made the "Tippecanoe and Tyler too" campaign so memorable.

Those who knew the old gentleman when he passed his leisure time in this city cannot forget the tall, straight figure, gracefully bearing its four score years, the great mane of silvery-gray hair, the eye, black as night and piercing as an eagle's, the voice soft as a woman's and the strong white hands which gripped so firmly and yet so gently, and the smile which captivated old and young alike as the great Texan told of defeats and victories or, half in reverie, recalled the stirring things treasured in his memory.

As a young man he was thrilled by the cry, "Remember the Alamo," and it may be said that he never ceased to be inspired by Sam Houston's injunction. He saw the Republic of Texas set its star in the flag of the Union. He saw the great West and Southwest won into the circle of civilization. He felt that the war clouds were forming as early as 1840, and he witnessed the compromise of ten years later. By him the "Dred Scott" decision was heard as it came fresh from the lips of Taney, and "Uncle Tom's Cabin" was read and given his careful thought almost the moment it came from the press. Gifted with capacity and foresight, he understood the significance of events.

When the Butler-Brooks-Sumner incident occurred in the Senate Judge Reagan was a member of Congress. His associates were the great men of the period of 1840-1860. Clay, Calhoun, Webster, Benton, Houston, Breckinridge, Douglas, Cass—these he knew intimately. Upon the Southern states he saw the war cloud burst—all of this he saw and part of this he was.

He was with Jefferson Davis at Montgomery and at Richmond. He saw the Confederacy rise and he saw it fall. He met and chatted with Lee and Jackson and Stuart and Johnston and Beauregard and Gordon. He wore the gray when McDowell was routed at the first Manassas, and he was wearing it when the great Lee, on that April morning in 1865, said to the heroes of the Army of the Virginia:

"Men: We have fought through this war together. I have done the best I could for you. My heart is too full to say more."

The uniform of gray was worn by Reagan after that. He still wore it when, with Jefferson Davis, he started on that fateful ride to the southward from Richmond.

Through the period of the reconstruction he passed. And he lived to rejoice that the men who plundered the South in her poverty, oppressed her in her weakness and mocked at her in her calamity were cast down. Always true to his people, he was one of the greatest of reconstructionists. In the times of depression, of failure, of discouragement, he turned his face toward the morning, he looked to the dawn of a new and better day. Shoulder to shoulder he stood with the great men who emancipated and redeemed the land he loved best of all.

* * * *

In a talk with a friend some time before his death Judge Reagan said.

"I am hoping to have time to write a little something on a subject very near and dear to me. I am not fighting the war over again. God forbid that I should say one word to revive the dying embers of passion and prejudice. What I would do and what I would have all true Southerners do is to preserve the true, loyal spirit of the Confederacy and take a positive stand against the perversion of the history of the conflict and its causes.

"It is not for the past that I would fight, but for the future. It is not for ourselves, but for our children. It is for them to perpetuate all that is noble and grand and manly in the history of their fathers and forefathers and to keep ever in mind and bring to the eye of all the world the history, the true history, of the Confederacy, and the causes, the real causes, which led up to the war between the states."

* * * *

This passing of the "last of the Confederates" calls to mind the cabinet of the South, its chief, Jefferson Davis, its Vice President, Alexander H. Stephens. Robert Toombs of Georgia was Secretary of State; C. G. Memminger of South Carolina, Secretary of the Treasury; L. P. Walker of Alabama, Secretary of War; S. R. Mallory of Florida, Secretary of the Navy, and Judah P. Benjamin of Louisiana, Attorney General. The companion and peer of such men as William L. Yancey, "the morning star of secession;" Benjamin H. Hill, R. Barnwell Rhett, James L. Orr, R. M. T. Hunter, Augustus H. Garland and Louis T. Wigfall in the Senate, and Meredith P. Gentry, Roger A. Pryor and Thomas S. Bo-

cock in the House, his was a position both enviable and influential.

In 1876 Judge Reagan was in the turmoil of the Hays and Tilden contest, and although he believed that the latter was elected and the former seated, he accepted the decision for himself and saw it accepted by the South with absolute loyalty and absolute self-control. He witnessed all the interesting political and social developments that have made for progress in three-score years. Throughout his long life he conserved the boy into the man and stood for honor, justice and truth.

* * * *

Pioneer, surveyor, lawyer, soldier, legislator, jurist, statesman, patriot, honest gentleman, John Henninger Reagan, true to himself and false to no man, leaves upon the scroll of fame a name which adds luster to the glory of the country.

HENRY BARRETT CHAMBERLIN.

APPENDIX B.

ENROLLING DEPARTMENT.

Committee Room,

Austin, Texas, March 14, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

SENATE BILL NO 11.

An Act to confer authority on the Penitentiary Board to issue paroles to meritorious convicts and to make and establish rules and regulations to carry the same into effect.

Be it enacted by the Legislature of the State of Texas:

Section 1. The Penitentiary Board and Board of Pardons have the power to make and establish rules and regulations subject to the approval of the Governor, under which any meritorious prisoners who are now, or hereafter may be imprisoned under a sentence to penal servitude and who may have served not less than one-fourth of their respective terms of imprisonment, may be allowed to go upon parole outside the buildings and jurisdiction of the Penitentiary authorities, subject to the exceptions hereinafter contained; provided, that in no case shall a convict be paroled until he shall have served two years of his term.

Sec. 2. While on parole as aforesaid, such prisoners shall remain under con-

trol of the Penitentiary Board and subject at any time to be taken back within physical possession and control of said board, as under their original sentence. And full power to make and establish rules and regulations for the retaking and reimprisoning of any convict so upon parole, is hereby conferred upon the said Penitentiary Board, subject to the approval of the Governor. And all orders and warrants issued thereunder shall be a sufficient warrant for all officers named therein to return to actual custody any paroled convict, and it is hereby made the duty of all officers to execute such orders as ordinary criminal process.

Sec. 3. No convict confined in the Texas Penitentiaries shall be considered eligible for parole and no application for parole shall be considered by the Penitentiary Board, until such prisoner is recommended as worthy of such consideration by the Superintendent, Assistant Superintendent and Chaplain of the Penitentiaries, and before consideration by the Penitentiary Board, notice of such recommendation shall be published in a newspaper in the county from which such prisoner was sentenced, and if none be there published, then in the county whose county site is nearest thereto, provided the expense of such publication shall not exceed one dollar, and in no case shall any prisoner be paroled, unless there is in the judgment of the Penitentiary Board, reasonable ground to believe that he will, if released, live and remain at liberty, without violating the law, and that his release is not incompatible with the welfare of society, and such judgment shall be based upon the record and character of the prisoner established in prison. And no petition or other form of application for the release of any prisoner shall be entertained by the said Board, and no attorney or outside persons of any kind shall be allowed to appear before the Penitentiary Board as applicants for the parole of a prisoner. But these requirements shall not prevent the said Board from making such inquiries as they may deem desirable in regard to the previous history or environment of such prisoner and as to his probable surroundings if paroled, but such inquiries shall be instituted by the Penitentiary Board, Superintendent and Assistant Superintendent, Board of Pardons and all such information thus received shall be considered and treated as confidential.

Sec. 4. The provisions of this act shall not apply to any convict unless it be his first conviction for a felony.

Sec. 5. The provisions of this act shall apply to all convicts except those convicted of rape, robbery by the use of firearms, or any deadly weapon, and

murder; provided, that any person convicted of murder in the first degree and robbery by use of firearms, or any deadly weapon, may be paroled after serving (15) fifteen years without commutation for good behavior; and any person convicted of murder in the second degree may be paroled after serving (10) ten years without commutation for good behavior.

Sec. 6. And it is hereby provided that any prisoner violating the conditions of his parole, as prescribed by rules issued by said Board, when by a formal order entered in the proceedings of same, or issued by the Superintendent of Penitentiaries, he is declared delinquent, shall thereafter be treated as an escaped prisoner, owing service to the State, and shall be liable when arrested to serve out the unexpired period, and the time from the date of his declared delinquency to the date of his arrest shall not be counted as any part or portion of time served. Any prisoner at large upon parole committing a fresh crime, and upon conviction thereof being sentenced anew to the penitentiary, shall be subject to serve a second sentence after the first sentence is served or annulled to commence from the date of termination of his liability upon the first or former sentence.

Sec. 7. When a convict who has been paroled shall have complied with the rules and conditions governing his parole until the end of the term to which he was sentenced, and without a revocation of his parole, he shall, upon a written or printed discharge from the Superintendent and Penitentiary Board, setting forth these facts, be entitled to a restoration of his citizenship by the Governor of the State of Texas.

Sec. 8. There being many worthy and meritorious convicts in the Penitentiary who are entitled to the benefits of this bill, therefore an emergency exists and an imperative public necessity is thereby created, requiring the suspension of the constitutional rule requiring bills to be read on three several days and that such is therefore suspended and that this act take effect from and after its passage.

And find the same correctly enrolled, and have this day delivered the same to the Governor at 11:30 o'clock for his approval.

TERRELL, Chairman.

EDUCATION.

Floor Report.

Austin, Texas, March 14, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Education, to whom was referred

Senate bill No. 276, a bill to be entitled "An Act to authorize, enable and permit the territory situated within the bounds of the city of Hallettsville, in the county of Lavaca, and the State of Texas, and other lands and territory adjacent thereto, to incorporate as an independent school district for free school purposes only, to be known as the "Hallettsville Independent School District," with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only."

Have had the same under consideration, and we report it back to the Senate with the recommendation that it pass but be not printed.

GRINNAN,
HARPER,
HARBISON,
GLASSCOCK,
McKAMY.

PUBLIC HEALTH.

Committee Room,
Austin, Texas, March 14, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Public Health, to whom was referred

Senate bill No. 84, a bill to be entitled "An Act to provide for and regulate the granting of license to practice dentistry in the State of Texas, and to repeal all laws in conflict therewith.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendments: Amend the bill by striking out all after "a bill to be entitled 'An Act,'" and substitute the following:

To regulate the practice of dentistry in the State of Texas, to provide for the appointment of a Board of Dental Examiners, prescribing their duties, and to repeal all laws and parts of laws in conflict with this Act.

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be unlawful for any person to practice or attempt to practice dentistry or dental surgery in the State of Texas without first having obtained a certificate from the State Board of Dental Examiners; provided, that physicians and surgeons may, in the regular practice of their profession, extract teeth or make application for the relief of pain; and, provided further, that nothing in this Act

shall apply to any person legally engaged in the practice of dentistry or dental surgery in this State, at the time of the passage of this Act.

Sec. 2. It shall be unlawful for any person or persons to extract teeth or perform any other operation pertaining to dentistry for pay or for the purpose of advertising, exhibiting or selling any medicine or instrument or business of any kind or description whatever, unless such person or persons shall first have complied with the provisions of this title.

Sec. 3. A board of examiners consisting of six practicing dentists of acknowledged ability as such, is hereby created, who shall have authority to issue certificates to persons in the practice of dentistry or dental surgery in the State of Texas who are legally practicing the same at the time of the passage of this Act, and issue certificates to all applicants who may hereafter apply to said board and pass a satisfactory examination.

Sec. 4. The members of said board shall be appointed by the Governor and shall serve for two years, excepting that the members of the board first appointed shall be made as follows: three for one year and three for two years, respectively, and until their successors are duly appointed. In case of vacancy occurring in said board by resignation, removal from the State, or by death, such vacancy may be filled for its unexpired term by the Governor.

Sec. 5. Before entering upon the duties of his office each and every member of this board shall make oath before an officer authorized to administer an obligation, who shall be empowered to use a seal of office, that he will faithfully discharge the duties incumbent upon him to the best of his ability. The same shall be filed for record with the county clerk in which affiant resides. The county clerk shall receive for recording the same fifty cents.

Sec. 6. Said board shall keep a record, in which shall be registered the names and residences or places of business of all persons authorized under this title to practice dentistry or dental surgery in this State. It shall elect one of its members president and one secretary thereof, and it shall meet at least once each year, and as much oftener, and at such times and places as it may deem necessary. A majority of the members of said board shall constitute a quorum, and the proceedings thereof shall be open to the public.

Sec. 7. Any person desiring to commence the practice of dentistry or dental surgery within this State after the passage of this Act, shall before com-

mencing such practice make application to said board, and upon undergoing a satisfactory examination before said board, shall be entitled to a certificate from said board granting such person the right to practice dentistry or dental surgery within this State.

Sec. 8. Any member of said board may, when the board is not in session, grant a license to practice dentistry, to any person whom such member finds on examination to be qualified, on the payment of the sum of two dollars by such person. A license so granted shall be valid until the next meeting of the board, but no longer. Each member shall make a report of license so granted by him, at the meeting of the board following the granting of the license. A member shall not grant a license under the provisions of this article to one who has been rejected by the board as disqualified.

Sec. 9. Every person to whom license is issued by said board of examiners, shall within thirty days from the date thereof, present the same to the clerk of the county in which he or she resides or expects to practice, who shall officially record said license in his office book provided for that purpose, and shall be entitled to a fee of fifty cents for his services.

Sec. 10. Said board shall have power, when it shall be made to appear to said board by satisfactory evidence from credible witnesses, that any person who has been granted a certificate to practice dentistry or dental surgery, has been convicted of a felony, or who has been guilty of any fraudulent or dishonorable conduct, or any malpractice, or such conduct involving fraudulent or dishonorable conduct or malpractice, to revoke his or her license to practice dentistry or dental surgery in this State; provided, that the license of no person shall so be revoked by said board without first notifying such person of the charges preferred against him or her, and citing him or her to appear before said board upon some day certain at a regular meeting of said board; and, provided, further, that no charge shall be considered against any person unless the same shall have first been made in writing and subscribed and sworn to by some credible person, and filed with the secretary of said board, who shall furnish a copy of the same to the party so accused at least ten days before the meeting of the board at which the same is to be considered.

Sec. 11. To provide for the proper and effective enforcement of this Act, said board of examiners shall be entitled to a fee of twenty-five dollars from each applicant examined, which

said sum shall accompany the application, and which sum shall in no event, be refunded to the person examined.

Sec. 12. The members of said examining board shall receive the compensation of five dollars per day for each day actually engaged in the duties of their office, which together with all other legitimate expenses incurred in the performance of such duties, shall be paid from the fees received by the board under the provisions of this title; and no part of the expenses of said board shall at any time be paid out of the State Treasury. All moneys in excess of said per diem allowance and other expenses shall be held by the secretary of said board, as a special fund for meeting the expenses of said board, he giving such bond as the board may from time to time direct, and said board shall make an annual report of its proceedings to the Governor by the fifteenth day of December of each year, together with an account of all moneys received and disbursed by them in the pursuance of this title.

Sec. 13. Any person who shall violate this Act by practicing or attempting to practice dentistry or dental surgery within this State without first complying with the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum of not less than twenty-five nor more than three hundred dollars for each and every offense, each day in the practice constituting an offense. All fines collected from prosecutions under this law shall be appropriated to the common school funds in the county where collected.

Sec. 14. Any person or persons who shall violate this Act by extracting teeth, or performing any other operation pertaining to dentistry for the purpose of advertising, exhibiting, or selling any medicine, instrument or business of any kind or description, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not less than twenty-five nor more than three hundred dollars for each and every offense.

Sec. 15. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

HARPER, Chairman.

JUDICIARY NO. 2.

Committee Room,
Austin, Texas, March 11, 1905.
Hon. Geo. D. Neal, President of the Senate.
Sir: Your Judiciary Committee No. 2. to whom was referred

Senate bill No. 231, a bill to be entitled "An Act to amend Article 335 of Chapter 3, Title IX, of the Penal Code of the State of Texas, making it a penalty to disturb the peace on railroad trains."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the following substitute bill do pass in lieu thereof.

DAVIDSON, Chairman.

FORTY-FIRST DAY.

Senate Chamber,
Austin, Texas,

Wednesday, March 15, 1905.

Senate met pursuant to adjournment, Lieutenant Governor George D. Neal presiding.

Roll Call. Quorum present, the following Senators answering to their names:

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Holland.
Davidson.	Looney.
Decker.	Meachum.
Faulk.	Paulus.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Hanger.	Terrell.
Harbison.	Willacy.
Harper.	

Absent.

Hale.	McKamy.
Martin.	Stafford.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Faulk, the same was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Stone:

Spiegleville, Texas, March 10, 1905.

In convention assembled, J. L. Pack, chairman, unanimously adopted the following resolution:

Resolved, That we as farmers and citizens of McLennan county, Texas, do indorse the following house bills on taxation:

The Bowser bill, taxing insurance companies 2 1-2 per cent of their gross receipts.

The Love bill, taxing railway companies 1 per cent of their gross earnings.